

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Case No. 17-20279

Plaintiff,

Honorable Denise Page Hood

v.

D-1 CORTEZ LORENZO HILL,

Defendants.

/

**ORDER DENYING DEFENDANT'S MOTION FOR STAY OF SENTENCE
PURSUANT TO FRCP 38 [ECF NO. 190]**

Before the Court is Defendant Cortez Hill's Motion for Stay of Sentence Pursuant to FRCP 38. [ECF No. 190]. The Government opposes Hill's motion. [ECF No. 195]. Because The Court has not ordered Hill released pending appeal, Hill's motion is denied.

On April 26, 2023, Hill was convicted by jury of conspiracy to possess with intent to distribute one kilogram or more of heroin, in violation of 21 U.S.C. § 846, and § 841(a)(1) and possession with intent to distribute one kilogram or more of heroin, in violation of 21 U.S.C. § 841(a)(1). [ECF No. 141]. On September 19, 2024, Hill was sentenced to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 120 months on each count, to run concurrently." [ECF No. 189, PageID.1779]. This Court further ordered Hill to "surrender for

service of sentence at the institution designated by the Bureau of Prisons: as notified by the United States Marshal.” *Id.*

Federal Rule of Criminal Procedure 38 governs when it is appropriate for a court to stay a criminal sentence. Subsection (b)(1) states that a sentence may be stayed “[i]f the defendant is released pending appeal[.]” Hill contends that release is appropriate here because the Court allowed Hill to remain on bond until further direction of the Bureau of Prisons. Hill misconstrues the Court’s Judgment to mean that Hill has been released pending the disposition of his appeal. Because the Court has not ruled on whether Hill will be released pending the disposition of his appeal, Rule 38(b)(1) is not applicable and Hill should report to the custody of the Bureau of Prisons as directed.

SO ORDERED.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: November 6, 2024